

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Governmental and Regulatory Affairs, to which was referred Senate Bill No. 215, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, line 6, after "that" insert ":".
- 2 Page 1, delete line 7, begin a new line block indented and insert:
- 3 **"(1) is placed, constructed, or substantially modified after**
- 4 **May 8, 1999; and**
- 5 **(2) for which local approval has not been obtained before May**
- 6 **8, 1999."**
- 7 Page 2, line 38, after "may" insert **"by ordinance or resolution**
- 8 **elect to"**.
- 9 Page 2, line 39, after "and" insert **"substantial"**.
- 10 Page 3, line 7, delete "each owner of real" and insert ":".
- 11 Page 3, delete lines 8 through 13, begin a new line block indented
- 12 and insert:
- 13 **"(1) each owner of real property as shown on the county**
- 14 **auditor's current tax list whose real property is located:**
- 15 **(A) contiguous to; or**
- 16 **(B) not more than one hundred (100) feet from;**
- 17 **the property on which the telecommunications tower is**
- 18 **proposed to be located; and**
- 19 **(2) each airport that is located within five (5) miles of the**
- 20 **proposed location of the tower."**

1 Page 3, line 14, delete "The authority may require notice in addition
2 to the notice" and insert **"The notice under subsection (a) may be
3 given in addition to any other notice required by law."**

4 Page 3, delete line 15.

5 Page 4, between lines 3 and 4, begin a new paragraph and insert:

6 **"Sec. 18. (a) The local unit shall render a decision upon the
7 request for a permit within a reasonable period of time after the
8 request is filed with the local unit as set forth in 47 U.S.C. 332."**

9 Page 4, line 4, delete "Sec. 18. (a)" and insert **"(b)"**.

10 Page 4, line 8, delete "(b)" and insert **"(c)"**.

11 Page 4, between lines 10 and 11, begin a new paragraph and insert:

12 **"(d) A person who files an appeal with the commission under
13 this section may appeal the commission's decision by filing an
14 action in a court of competent jurisdiction as set forth in 47 U.S.C.
15 332."**

16 Page 4, between lines 13 and 14, begin a new paragraph and insert:

17 **"Sec. 20. If there is a conflict between this chapter and
18 IC 8-21-10 or an airspace ordinance of a local unit, IC 8-21-10 or
19 the local airspace ordinance supersede this chapter."**

20 Page 4, line 22, delete "that is placed, constructed, or" and insert **":"**.

21 Page 4, delete line 23, begin a new line double block indented and
22 insert:

23 **"(A) that is placed, constructed, or substantially modified
24 after May 8, 1999; and**

25 **(B) for which local approval has not been obtained before
26 May 8, 1999."**

27 Page 5, line 26, after "may" insert **"by ordinance or resolution
28 elect to"**.

29 Page 5, line 27, after "and" insert **"substantial"**.

30 Page 5, line 40, delete "each owner of real property, as shown on
31 the" and insert **":"**.

32 Page 5, delete lines 41 through 42, begin a new line block indented
33 and insert:

34 **"(1) each owner of real property as shown on the county
35 auditor's current tax list whose real property is located:**

36 **(A) contiguous to; or**

37 **(B) not more than one hundred (100) feet from;**

38 **the property on which the telecommunications tower is**

1 **proposed to be located; and**
 2 **(2) each airport that is located within five (5) miles of the**
 3 **proposed location of the tower."**

4 Page 6, delete lines 1 through 3.

5 Page 6, line 4, delete "The legislative body may require notice in
 6 addition to the" and insert "**The notice under subsection (a) may be**
 7 **given in addition to any other notice required by law."**

8 Page 6, delete line 5.

9 Page 6, between lines 29 and 30, begin a new paragraph and insert:
 10 **"Sec. 18. (a) The local unit shall render a decision upon the**
 11 **request for a permit within a reasonable period of time after the**
 12 **request is filed with the local unit as set forth in 47 U.S.C. 332."**

13 Page 6, line 30, delete "Sec. 18. (a)" and insert "**(b)**".

14 Page 6, line 35, delete "(b)" and insert "**(c)**".

15 Page 6, between lines 36 and 37, begin a new paragraph and insert:
 16 **"(d) A person who files an appeal with the commission under**
 17 **this section may appeal the commission's decision by filing an**
 18 **action in a court of competent jurisdiction as set forth in 47 U.S.C.**
 19 **332."**

20 Page 6, between lines 39 and 40, begin a new paragraph and insert:

21 **"Sec. 20. If there is a conflict between this chapter and**
 22 **IC 8-21-10 or an airspace ordinance of a local unit, IC 8-21-10 or**
 23 **the local airspace ordinance supersede this chapter."**

(Reference is to SB 215 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

Merritt

Chairperson